

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

MOTIONWARE ENTERPRISES, INC.,

Plaintiff,

v.

THE INDIVIDUALS, BUSINESS ENTITIES,
AND UNINCORPORATED ASSOCIATIONS
IDENTIFIED ON EXHIBIT 1,

Defendants.

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1:22-CV-1225-RP

ORDER

Before the Court is the report and recommendation of United States Magistrate Judge Dustin M. Howell concerning Plaintiff's Motion for Entry of Default Judgment and Permanent Injunction against Defendants (Dkt. 49) (R. & R., Dkt. 57). Plaintiff timely filed objections to the report and recommendation, (Objs., Dkt. 58).

A party may serve and file specific, written objections to a magistrate judge's findings and recommendations within fourteen days after being served with a copy of the report and recommendation and, in doing so, secure *de novo* review by the district court. 28 U.S.C. § 636(b)(1)(C). Because Plaintiff timely objected to the report and recommendation, the Court reviews the report and recommendation *de novo*. Having done so and for the reasons given in the report and recommendation, the Court overrules Plaintiff's objections and adopts the report and recommendation as its own order.

Accordingly, the Court **ORDERS** that the report and recommendation of United States Judge Dustin M. Howell, (Dkt. 57), is **ADOPTED**.

IT IS FURTHER ORDERED that Plaintiff's Motion for Default Judgment against Defendant Nationwide Capital Services, LLC, (Dkt. 49), is **GRANTED**. Plaintiff is entitled to

statutory damages in the amount of \$5,000 for each infringed work against each Defaulting Defendant, reasonable costs and attorney's fees and court costs, and a permanent injunction.

The Court will enter its final judgment in a separate order. The briefing does not make clear how many copyrighted works each Defaulting Defendant has infringed. To assist the Court in entering its final judgment, **IT IS FINALLY ORDERED** that Plaintiff file a proposed final judgment detailing the statutory damages that it is entitled from each Defaulting Defendant, at the rate of \$5,000 for each infringed work against each Defaulting Defendant. Plaintiff shall file this proposed order on or before **November 6, 2023**.

SIGNED on October 23, 2023.

A handwritten signature in blue ink, appearing to read 'Rob Pitman', is written above a horizontal line.

ROBERT PITMAN
UNITED STATES DISTRICT JUDGE